

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TYSON A. KINT	:	CIVIL ACTION
	:	
v.	:	No. 15-4788
	:	
MR. PATRICK PITKINS	:	
<i>SUPERINTENDENT</i> , et al.	:	

**ORDER**

AND NOW, this 21st day of December, 2016, it is ORDERED the Court's December 16, 2016, Order in the above-captioned case (Document 25) is VACATED.

Upon careful and independent consideration of Petitioner Tyson A. Kint's pro se Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody, and after review of the Report and Recommendation of United States Magistrate Judge Thomas J. Rueter, to which no objections have been filed,<sup>1</sup> it is further ORDERED:

1. The Report and Recommendation (Document 23) is APPROVED and ADOPTED;
2. Kint's Petition for Writ of Habeas Corpus (Document 2) is DENIED; and
3. Kint having failed to make a substantial showing of the denial of a constitutional right, a certificate of appealability shall not issue.

This case shall remain CLOSED.

BY THE COURT:

/s/ Juan R. Sánchez  
Juan R. Sánchez, J.

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<sup>1</sup> The Report and Recommendation was sent to all parties of record on November 17, 2016, together with a Notice from the Clerk of Court advising the parties of their obligation to file any objections within 14 days after service of the Notice. See Local R. Civ. P. 72.1 IV(b) ("Any party may object to a magistrate judge's proposed findings, recommendations or report under 28 U.S.C. § 636(b)(1)(B), and subsections 1(c) and (d) of this Rule within fourteen (14) days after being served with a copy thereof."). As of today's date, no objections have been filed.

